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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 KELLY M. LANDIS,

9 Plaintiff,

10 vs.

11 LUXOR RESORT AND CASINO, et al.,

12 Defendants.
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Case No. 2:16-cv-02401-APG-GWF

**REPORT AND
RECOMMENDATION**

15 This matter is before the Court on Plaintiff's failure to comply with the Court's Order (ECF
16 No. 7).

17 Plaintiff is proceeding in this action *pro se* and she submitted a complaint on October 14,
18 2016. *See Complaint* (ECF No. 1-1). The Court issued a Screening Order (ECF No. 4) granting
19 Plaintiff's request to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C.
20 § 1915(e). The undersigned found that Plaintiff's complaint may proceed with respect to her
21 claims of retaliation but found that Plaintiff failed to state a valid claim of discrimination or
22 harassment. The Court allowed her until November 2, 2017 to file an amended complaint.
23 Plaintiff failed to file an amended complaint. On November 13, 2017, the Court ordered Plaintiff
24 to show cause no later than November 22, 2017 why her claims should not be dismissed. *Order*
25 (ECF No. 7). Plaintiff, again, failed to respond. Accordingly,

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1 **IT IS HEREBY RECOMMENDED** that Plaintiff's claims of discrimination and
2 harassment be **dismissed**.

3 DATED this 1st day of December, 2017.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
10 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
11 held that the courts of appeal may determine that an appeal has been waived due to the failure to
12 file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit
13 has also held that (1) failure to file objections within the specified time and (2) failure to properly
14 address and brief the objectionable issues waives the right to appeal the District Court's order
15 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
16 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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